

Serial No. 10/582,097

II. REMARKS

A. Introduction

In this Office Action claims 8-14 are noted as pending, claims 9-4 are noted as allowable if put into independent form, where necessary, and claim 8 is rejected based on prior art.

In summary of this Response, the specification is amended to a minor extent, claims 8-14 are amended, the subject matter of claims 9-14 has been added as new claims 15-20, which should render at least claims 15-20 allowable, and remarks are provided.

B. Rejection of Claim 8 Under 35 U.S.C. §102

This claim has been rejected as being anticipated by Hopkins, U.S. Patent No. 6,007,086.

In response thereto, it is respectfully submitted that the present invention, as recited by amended claims 8-14, was neither anticipated nor rendered obvious by the cited prior art for the following reasons.

Claim 8 is amended by reciting:

... a substantially planar electromagnetic device located on each of the boots;

at least one of a substantially planar sheet, slab, roller or particles of a ferromagnetic material on an upper face of the snowboard or ski on which the boots of the user are positioned and fixed by closing a magnetic field created by the electromagnetic devices of the boots,

wherein, in the case of a snowboard, the apparatus allows an angle and a separation of the boots on the snowboard to be changed at rest or during movement,

wherein, in the case of skis, the apparatus allows forward or backward movement of the boots on the upper faces of the skis to vary a tracing geometry of turns, and,

wherein, the apparatus, allows an instantaneous and remote release of the board or skis to perform acrobatics ...

These amendments are supported by the description as originally filed, at, e.g., page 6 lines 23-25, page 7 lines 16-19, page 6 lines 4-8 and 13-14 and Figs. 1A, 2A and 4-6.

Thus, according to the present invention, the ski or snowboard has a substantially planar

Serial No. 10/582,097

ferromagnetic material on which is located a boot with a substantially planar ferromagnetic device. Magnetism therebetween can be effected to hold the boots on the skis/snowboards at particular positions of choice, unencumbered by bindings. The magnetism can be released, the boots moved relative to the upper surface of the skis or snowboard, and re-adhered, as desired by the skier/snowboarder, at rest or during skiing/snowboarding. In this way, the angle and separation of the boots on the snowboard can be changed, forward or backward movement of the boots on the upper faces of the skis to vary a tracing geometry of turns is possible, and/or an instantaneous and remote release of the board or skis to perform acrobatics is available. See, e.g., page 1, lines 10-14, page 6, lines 4-28, page 7, lines 15-19, page 9, lines 1 and 26, page 10, lines 33-35 and page 11, lines 1-10 or the application as filed.

In Hopkins, the boots can only move out of the bindings fixed in place on the skis, as in a conventional binding system. Usually, it is a possible injury that is sensed which causes release of the bindings, as with conventional bindings. See, e.g., Col. 4, lines 32-67, Col. 5 and Col. 6, lines 44-64. Due to these limitations, the angle and separation of the boots on the snowboard cannot be changed, forward or backward movement of the boots on the upper faces of the skis to vary a tracing geometry of turns is not possible, and/or an instantaneous and remote release of the board or skis to perform acrobatics is not available.

Serial No. 10/582,097

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 8-20 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

10/13/09

By:



William F. Herbert
Registration No. 31,024

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501